

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF NEW YORK, ET AL.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

Case No. 25-cv-11221-WGY

DECLARATION OF MATTHEW GIACONA

I, Matthew Giacona, declare as follows:

1. I am the Principal Deputy Director of the Bureau of Ocean Energy Management (BOEM) within the Department of the Interior (DOI). I have served as Principal Deputy Director since May 18, 2025. Prior to my current role, I served as Senior Advisor to the Secretary from March 24, 2025, to May 17, 2025.

2. As part of my duties, I provide policy direction to BOEM's career management, oversee BOEM's implementation of the Administration's policies, and serve as a liaison between BOEM staff and DOI leadership.

3. On January 20, 2025, President Trump issued a Presidential Memorandum entitled, *Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects* (Wind Memo).

4. Section 2(a) of the Wind Memo directed several agencies, including DOI, to “not issue new or renewed approvals, rights of way, permits, leases, or loans for onshore or offshore wind projects pending the completion of a comprehensive assessment and review of Federal wind leasing and permitting practices.” Further, Section 2(a) of the Wind Memo directed DOI to lead that assessment and include the consideration of “the environmental impact of onshore and offshore wind projects upon wildlife, including, but not limited to, birds and marine mammals” and “the economic costs associated with the intermittent generation of electricity and the effect of subsidies on the viability of the wind industry.”

5. DOI has begun to conduct the assessment called for by Section 2(a) of the Wind Memo. I have attended meetings with recently appointed DOI officials to plan how to further the ongoing assessment. DOI has begun compiling and reviewing information regarding the environmental and economic impacts of wind projects that is needed to support the comprehensive assessment. DOI has also begun compiling and reviewing information about the practices that previous administrations have used to review wind projects.

6. Attached as Exhibit A is a true and correct copy of the January 29, 2025, Secretary’s Order No. 3415, Amendment No. 1 that temporarily suspended the delegation of authority to bureaus within DOI to take certain actions.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 29th day of May, 2025

**MATTHEW
GIACONA**

Matthew N. Giacona
Principal Deputy Director
Bureau of Ocean Energy Management
Department of the Interior


 Digitally signed by MATTHEW
GIACONA
Date: 2025.05.29 12:26:30 -04'00'

EXHIBIT A

Secretary's Order No. 3415, Amendment No. 1



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3415, Amendment No. 1

Subject: Temporary Suspension of Delegated Authority.

Sec. 1. **Purpose.** This Order is made for the purpose of implementing a targeted and time-limited elevation of relevant decisions at the Department of the Interior (Department) for the purpose of reviewing the questions in fact, law, and policy they raise. This Order ensures that the Department continues its existing operations—including operations necessary for health, safety, and national security matters—consistent with all legal obligations and policy goals, to uphold trust and treaty responsibilities to Tribal nations, and to responsibly steward the Nation's public lands, waters, and resources for current and future generations.

Sec. 2. **Authority.** This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262) and is consistent with 200 DM 1.

Sec. 3. **Suspension of Authority.** The delegations of authority to Department Bureaus and Offices to take any of the following actions are hereby temporarily suspended, but the actions may be approved by leadership identified in section 4 of this Order:

- a. To publish, cause to be published, or aid in the publication of any notice in the Federal Register, including but not limited to notices of proposed or final agency action and actions taken in accordance with the National Environmental Policy Act.
- b. To issue, revise, or amend resource management plans under the authority of section 202 of the Federal Land Policy and Management Act, as amended.
- c. To issue any final decision with respect to R.S. 2477 claims, including recordable disclaimers of interest.
- d. To appoint, hire, or promote personnel, or approve the appointment of any personnel. This does not apply to seasonal hires or emergency work force personnel.
- e. To issue any onshore or offshore renewable energy authorization, including but not limited to a lease, amendment to a lease, right-of-way, amendment to a right-of-way, contract, or any other agreement required to allow for renewable energy development. This does not limit existing operations under valid leases. It also does not apply to authorizations necessary to (1) avoid conditions that might pose a threat to human health, welfare, or safety; or (2) avoid adverse impacts to public land or mineral resources.

Sec. 4. **Implementation.** Any and all delegations of authority to take the actions set out in section 3 are temporarily suspended with respect to individuals other than a confirmed or acting official in the following positions or a person who has delegated authority pursuant to Secretary's Order 3414 to exercise the authority associated with the following positions under current law and regulations:

- a. Secretary
- b. Deputy Secretary
- c. Solicitor
- d. Assistant Secretary – Policy, Management and Budget
- e. Assistant Secretary – Land and Minerals Management
- f. Assistant Secretary – Water and Science
- g. Assistant Secretary for Fish and Wildlife and Parks
- h. Assistant Secretary – Indian Affairs
- i. Assistant Secretary – Insular and International Affairs

Sec. 5. **Expiration Date.** This Order is effective on January 29, 2025, and will remain in effect for 60 days, or until amended, superseded, or revoked.



Walter Cruickshank
Acting Secretary of the Interior

Date: January 29, 2025